

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELAINE S WENDEL,

Plaintiff,

v.

Civil Action No. 1:15-cv-00936-JTC

MULLOOLY, JEFFREY, ROONEY
& FLYNN, LLP.,

Defendant.

AFFIRMATION OF SETH J. ANDREWS

1. I am one of the attorneys of record for Plaintiff in the above captioned manner.
2. The Law Offices of Kenneth Hiller PLLC has been retained to represent Ricard G. Schneider.
3. As set forth in the proposed First Amended Complaint ("FAC"), Mr. Schneider has received a nearly identical letter to the letter received by Plaintiff Elaine S. Wendel, the Plaintiff in the above captioned matter.
4. Both Ms. Wendel and Mr. Schneider, in moving to file the proposed FAC, jointly assert rights under the Fair Debt Collection Practices Act ("FDCPA") related to the same transaction, occurrence, or series of transactions or occurrences, and concern nearly identical issues of law and fact common to both of their claims which will arise as part of the proposed FAC.
5. The proposed FAC has not been brought for any improper purpose, or to create undue delay. Rather it has been brought to consolidate nearly identical claims, based on nearly identical facts, into one single action for the purpose of judicial economy.
6. Defendant will not be prejudiced by the joinder of Mr. Schneider to this action.
7. Attached as **Exhibit A** is the proposed Amended Complaint.
8. Attached as **Exhibit B** is the red-lined Amended Complaint

Dated: December 28, 2015

Respectfully Submitted,

/s/ Seth J. Andrews
Seth J. Andrews, Esq.

